



FMCS

FEDERAL MEDIATION & CONCILIATION SERVICE

Overview of FMCS

The Federal Mediation and Conciliation Service, created in 1947, is an independent agency whose mission is to promote labor-management relationships, cooperation, and to assist parties in conflict. Headquartered in Washington, DC, with ten regional offices and more than 70 field offices, the agency provides mediation and conflict resolution services to industry, government agencies and communities. Although headquartered in Washington, DC, the public functions of FMCS are delivered through a network of regional and field offices in order to be close to its customers.

Agency Departments and Field Offices

Office of the Director. The FMCS Director, appointed by the President with the advice and consent of the Senate, has the responsibility for establishing and directing policy and for the overall administration and strategic direction of the Service. The Director serves as agency liaison with the White House, members of the President's Cabinet and the Congress, and also provides direction for and participation in mediating major disputes.

Alternative Dispute Resolution and International Programs. The Administrative Dispute Resolution (ADR) Act of 1996 calls upon the Federal Mediation and Conciliation Service (FMCS), an independent U.S. government agency, to help other federal, state, and local agencies resolve disputes arising under their jurisdictions. To this end, FMCS provides sister agencies with a wide variety of professional services such as mediating disputes, designing and building capacity for effective conflict management systems, and developing tools for interagency/public-private cooperation and collaboration. In delivering these services, FMCS draws on more than 65 years of experience in conflict management and alternative dispute resolution, including negotiations, mediation, convening, facilitation, training, and systems design.

Internationally, the FMCS, at the request of the U.S. Departments of State, Labor, and others, strives to build local capacity for effective industrial relations systems, including labor administration, inspection, collective bargaining, mediation, and dispute resolution. Additionally, the FMCS has also been asked to brief or train judges, mediators, and arbitrators on dispute resolution techniques, and has provided assistance in establishing mediation agencies. FMCS international program development, project management, and service delivery are provided by

professional staff with significant international experience. In addition, the Agency draws on the expertise of a field staff of 165 full-time mediators to deliver the Agency's international services. For more than two decades, FMCS has delivered training services in more than 50 nations and addressed a wide variety of instructional and development needs. Traveling abroad or at FMCS headquarters in Washington, D.C., FMCS mediators have briefed or trained business, labor, and government delegations from many countries. The FMCS itself has become the pattern for a number of newly established mediation agencies around the world.

Arbitration and Notice Processing Services. Federal labor policy promotes the use of voluntary arbitration and collective bargaining to resolve labor-management disputes between employers and represented employees. Two important features of constructive labor-management relations are voluntary arbitration and fact-finding in disputes and disagreements over establishment or modification of contract terms. As an ingredient of collective bargaining agreements, the arbitration system is an important tool in labor/management cooperation. Today, all collective bargaining agreements, in essence, contain grievance and arbitration provisions.

The Arbitration Office provides to requesting parties' panels of arbitrators experienced in dealing with labor matters. The FMCS Office of Arbitration Services' (OAS) major responsibilities include: maintaining a roster of arbitrators qualified to hear and decide labor questions in labor management disputes, providing the parties involved in collective bargaining agreements with a list of experienced panels of arbitrators, and appointing arbitrators following their selection by the involved parties.

The Notice Processing has responsibility for entry of all notices and certifications received from filing parties, the NLRB and the FLRA. We maintain original documents for a period of seven fiscal years. Filed documents can be retrieved from our Archives. Notice Processing also receives, processes and dispenses more than 25,000 notices of contract expirations required by law to the ten regions and ten Regional Directors.

Budget and Finance. The Office of Budget and Finance is responsible for budget formulation and execution, and for the FMCS financial control system. FMCS' Office of Budget and Finance has three principal responsibilities: budget formulation, its execution process, and funds control. The department handles FMCS billings, vendor payments and employee travel reimbursements.

Education and Training. The Office of Education and Training oversees the development and implementation of training and education programs for employees, and supports training and education for the labor- management community.

Equal Employment Opportunity. FMCS is committed to providing equal opportunity for all persons and to eliminating discrimination in employment because of race, color, religion, sex, age, national origin, disability, or sexual orientation. FMCS is an Equal Opportunity Employer. The Office of Equal Employment Opportunity is primarily responsible for enforcing laws and regulations that prohibit discrimination based on race, gender, religion, age, color, national origin, disability, sexual orientation, genetic information, and reprisal.

General Counsel. The Office of the General Counsel advises the Director and his management team on legal issues, compliance and interagency negotiations, and responds to Freedom of Information Act requests.

Human Resources. The Office of Human Resources provides job applicants, employees, and agency managers with services and programs that support the Service's mission and ensures compliance with applicable laws and regulations. The director oversees hiring qualified employees, classifying position, implementing and monitoring performance appraisal systems, and coordinating employee relations programs.

Information Technology. The Office of Information Technology develops and implements the Service's technology plan; maintains computer application and system; and provides technology support to all aspects of the Agency's operations. The director provides strategic advice and direction with respect to technology issues and trends and ensures continuity of agency information services operations under a variety of likely scenarios.

Procurement and Operational Support. The Office of Procurement and Operational Support procures and manages goods and services necessary for orderly and efficient agency operations. This includes: leasing and managing office space, managing agency records and forms, ordering office supplies, computer and printing equipment, and inventory management. The office also administers the Labor-Management Cooperative Grants Program, and mail and distribution services.

Public Affairs. The Office of Public Affairs provides internal and external information about the activities of the Services and acts as the public information voice for the Agency in significant dispute cases, handling questions and information requests from the news media and issuing official statements from the Director. The Office of Public Affairs also coordinates the Agency's communication with business and union customers, with members of Congress, and provides public information and communication skills training for field mediators.

Regional Offices. The FMCS network includes nearly 50 field offices.

Woodbridge, New Jersey
517 US Highway 1 South
Iselin, NJ 08830
(732) 726-3120

Boston, Massachusetts
99 Summer Street, Room 510
Boston, MA 02110
(617) 424-5780

Hartford, Connecticut
333 East River Drive, Suite 507
East Hartford, CT 06108
(860) 528-3166

Providence, Rhode Island
300 Jefferson Blvd, Suite 101
Warwick, RI 02888
(401) 921-5574

Philadelphia, Pennsylvania
1601 Market Street, Suite 910
Philadelphia, PA 19103
(215) 717-7500

Albany, New York
15 Cornell Road, 1st Floor
Latham, NY 12207
(518) 608-5424

Baltimore, Maryland
7240 Parkway Drive, Suite 450
Hanover, MD 21076
(410) 712-4031

Harrisburg, Pennsylvania
Rossmoyne Business Center
4999 Louise Drive, Suite 302
Mechanicsburg, PA 17055
(717) 697-9300

Washington, District of Columbia
250 E Street, SW, 7th Floor
Washington, D.C. 20427
(202) 606-8100

Trenton, New Jersey
133 Franklin Corner Road
Lawrenceville, NJ 08648
(609) 892-9020

Pittsburgh, Pennsylvania
301 Grant Street, Suite 2570
Pittsburgh, PA 15219
(412) 235-7437

Amherst, New York
100 Corporate Parkway, Suite 134
Amherst, NY 14226
(716) 838-5097

Detroit, Michigan
2800 Livernois Rd., Building D, Suite 105
Troy, MI 48083
(248) 250-9843

Erie, Pennsylvania
410 Cranberry St., Suite 110
Erie, PA 16507
(814) 455-5753

Cleveland, Ohio
6161 Oak Tree Blvd., Suite 100
Independence, OH 44131
(216) 520-4800

Cincinnati, Ohio
4600 Montgomery Rd., Suite 100
Norwood, OH 45212
(513) 684-2971

Columbus, Ohio
2550 Corporate Exchange Drive
Columbus, OH 43231-7659
(614) 794-9047

Atlanta, Georgia
100 Hartsfield Center Pkwy., Suite 620
Atlanta, GA 30354
(404) 331-3958

Chesapeake, Virginia
1040 University Blvd., Suite 105
Portsmouth, VA 23703
(757) 484-6461

Memphis, Tennessee
225 Humphreys Blvd, Suite 2054
Memphis, TN 38120
(901) 747-3442

Orlando, Florida
3452 Lake Lynda Drive, Suite 122
Orlando, FL 32817-1472
(407) 382-9851

Kansas City, Missouri
2345 Grand Blvd., Suite 625
Kansas City, MO 64108
(816) 426-2030

San Antonio, Texas
15610 Henderson Pass #701708
San Antonio, TX 78232
(210) 775-6163

Oakland, California
7677 Oakport Street, Suite 550/550
Oakland, CA 94621
(510) 273-0108

Anaheim, California
222 South Harbor Blvd., Suite 525
Anaheim, CA 92805
(714) 491-2700

Nashville, Tennessee
617 Potomac Place, Suite 405
Smyrna, TN 37167
(615) 220-2249

Birmingham, Alabama
2 20th Street N, Suite 1110
Birmingham, AL 35203
(205) 731-0482

Louisville, Kentucky
332 W, Broadway, Suite 813
Louisville, KY 40202
(502) 582-5207

Miami, Florida
14411 Commerce Way, Suite 100
Miami Lakes, FL 33016-1596
(305) 231-7378

St. Louis, Missouri
1034 S. Brentwood Blvd. Suite 450
St. Louis, MO 63117
(314) 205-2008

New Orleans, Louisiana
800 W. Commerce Rd. Suite, 625
Kansas City, MO 64108
(816) 426-2030

Seattle, Washington
2001 Sixth Avenue, Suite 2500
Seattle, WA 98121
(206) 553-5800

Los Angeles, California
550 North Bend Blvd., Suite 1150
Glendale, CA 91203
(818) 507-9002

Honolulu, Hawaii
300 Ala Moana Blvd., Room 4-119
Honolulu, HI 96850
(808) 541-2568

Las Vegas, Nevada
100 City Parkway, Suite 300
Las Vegas, NV 89106
(702) 363-5957

Chicago, Illinois
908 N. Elm St., Suite 203
Hinsdale, IL 60521
(630) 887-4750

Milwaukee, Wisconsin
10000 Innovation Dr., Suite 110
Wauwatosa, WI 53226
(414) 771-7125

Rockford, Illinois
2126 N. Perryville Rd.
Rockford, IL 61107
(815) 987-4251

Minneapolis, Minnesota
1300 Godward Street, Suite 3950
Minneapolis, MN 55413
(612) 331-6672

Des Moines, Iowa
500 S.W. Seventh St., Room 302
Des Moines, IA 50309
(515) 280-6947

Green Bay, Wisconsin
2140 Velp Ave., Suite 202
Green Bay, WI 54303
(920) 662-1903

Phoenix, Arizona
4000 North Central Ave., Suite 2360
Phoenix, AZ 85012
(602) 640-2313

Indianapolis, Indiana
1530 American Way, Suite 120
Greenwood, IN 46143
(317) 883-0383

Peoria, Illinois
401 Main St., Suite 910
Rockford, IL 61107
(815) 987-4251

South Bend, Indiana
105 E. Jefferson, Suite 526
South Bend, IN 46601
(574) 236-8274

Cedar Rapids, IA
1231 Park Place NE, Suite M
Cedar Rapids, IA 52402
(319) 364-1607

Duluth, Minnesota
11 East Superior St., Suite 260
Duluth, MN 55802
(218) 216-1370

No Fear Act Reporting

The No FEAR Act, Public Law 107-174, requires federal agencies to be publicly accountable for violations of Antidiscrimination and Whistleblower Protection laws. Federal agencies must post both quarterly and annual statistical data for federal sector EEO complaints on its public website, reimburse the Treasury Judgment Fund (Judgment Fund) for any payments made, and notify employees and applicants for employment about their rights under Antidiscrimination and Whistleblower Protection laws. The No FEAR Act and its implementing regulations also require federal agencies to report annually on the following:

- The number of Federal Court cases arising under the respective areas of law cited in the No FEAR Act where discrimination was alleged, the status or disposition of cases, and the amount required to be reimbursed to the Judgment Fund;
- The number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to under the Act, and specific nature of the disciplinary action taken, separated by provisions of law;
- The final year-end data on discrimination complaints for the fiscal year;
- A detailed description of agency policy relating to appropriate disciplinary actions;
- An analysis of trends, causation, and practical knowledge gained through experience;
- Actions planned or taken to improve complaint or civil rights programs; and
- Any adjustments to the budget.

Pursuant to congressional and statutory requirements, this report is being provided to the following:

- Speaker of the U.S. House of Representatives
- President Pro Tempore of the U.S. Senate
- Committee on Governmental Affairs, U.S. Senate
- Committee on Government Reform, U.S. House of Representatives
- Each Committee of Congress with jurisdiction relating to the agency
- Chair, Equal Employment Opportunity Commission
- Attorney General
- Director, U.S. Office of Personnel Management

Executive Summary

The NO FEAR ACT aims to reduce the incidents of workplace discrimination within the federal government by holding agencies and departments accountable for their actions. Section 203 of the NO FEAR ACT and the Office of Personnel Management (OPM) regulations implementing Title II of the NO FEAR ACT require each federal agency to prepare and submit an annual report. This report covers data for FY 2018.

Data and Results. This report is prepared in accordance with Section 203 (a)(1) of the NO FEAR ACT which requires federal agencies to include in their annual report to Congress the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section (a) in which discrimination on the part of such agency was alleged.

Complaint Activity and Disposition. During FY18, FMCS reported one (1) complaint of discrimination filed as a result of appointment/hire. The bases were race, age and sex.

Judgement Fund Reimbursements and Budget Adjustments. OPM published regulations clarifying agency reimbursement provisions of Title II of the NO FEAR Act. OPM's rules require agencies to reimburse the Judgement Fund for payments made in connection with proceedings involving Federal antidiscrimination and whistleblower protection laws.

During FY 18, FMCS did not have any cases requiring reimbursement to the Judgment Fund for Federal Court cases with claims involving antidiscrimination and whistleblower protection laws.

Disciplinary Actions. Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual Report to Congress the number of employees disciplined for violations of law covered by the No Fear Act. Further, the No FEAR Act requires that with respect to each such law, the Federal agency report on the number of employees who were disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

During FY18, the FMCS took [number] disciplinary action against any employee because of discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1). Further, FMCS has not taken disciplinary action against any employee because of any violation of Anti-discrimination or Whistleblower protection laws included in the NO FEAR Act.

Trend Analysis for EEO Complaint Data. Since 2014, there have been six (6) EEO cases filed. The majority of these cases represent alleged discrimination based on race and age.

Complaint Activity. During the FY18, there was one (1) EEO complaint filed as result of non-selection for appointment/hire. The basis of the case was race, age and sex. FMCS averages between one (1) to three (3) EEO complaints per fiscal year. During the five-year reporting period (FY14 through FY18), there were not any cases raised on the basis of reprisal for having filed an EEO complaint. The majority of the cases filed during the five-year reporting period raised issues regarding appointment/hire.

Complaints by Bases and Issues. There were six (6) cases filed during the five-year reporting period. In FY14, one (1) complaint was filed as a result of non-selection for appointment/hire on the bases of race (white) and sex (female). In FY15, no complaints were filed. However, in FY16, two (2) complaints were filed. Both complaints were filed as a result of non-selection for appointment/hire on the bases of age. In FY17, two (2) complaints were files - one (1) complaint was filed as a result of termination and one (1) complaint was filed as a result of denial of reassignment on the bases of race (black), national origin and age. In FY18, one (1) complaint was filed as a result of non-selection for appointment/hire on the bases of race (white), age and sex.

Processing Time. In FY14, the FMCS case processing time was slightly above the 180-day requirement for investigation due to contractor delay and period of transience on the part of the complainant. For subsequent fiscal years, case processing was beyond the threshold of 180 days by 25 days due to natural disasters (hurricane) which affected contractor's residence. However, in FY18, case processing time was within the 180-day requirement for investigations.

Final Actions Finding Discrimination. During this reporting period, the FMCS has no final actions finding discrimination.

Pending Complaints. During this reporting period, the FMCS has 2 pending cases or appeals to the EEOC.

Complaint Investigation. During this this reporting period, the FMCS sent one (1) case to investigation.

NO FEAR Act Training. In compliance with the recurring training and documentation requirement of 5 C.F.R. § 724.203(b) and (d), FMCS has provided annual NO FEAR Act training along with the annual EEO training for employees and management. The NO FEAR Act training is provided annually via FMCS Employee Learning Management System (LMS) and provided to new employees via LMS within the first 30 days of employment.

Practical Knowledge Gained Through Experience

At FMCS, the EEO Director has partnered with senior management to settle workplace conflict while it is in its pre-complaint stage by engaging in facilitated dialogue. We encourage employees to communicate with each other and to attempt to resolve the dispute at the lowest level. Any employee is welcome to either call or stop by the EEO office to discuss any aspect of the working environment that gives them pause, or may be construed as discrimination.

Conclusion

The FMCS has done an excellent job in creating a workplace free from discrimination. As the government's premier mediation agency, we strive to provide employees with information regarding Equal Employment Opportunity and the NO FEAR Act through lunch and learn workshops, webinars, open lines of communication and transparency in hiring and promotional opportunities. We will continue to make FMCS one of the best places to work in government.